



CITY OF HAYWARD AGENDA REPORT

Meeting Date 02/24/05
Agenda Item 1

TO: Planning Commission

FROM: Carl T. Emura, ASLA, Associate Planner

SUBJECT: **SPR PL-2004-0392/VAR PL-2004-0393 – Dori Azzolino of A-Active Sign Co. (Applicant) / Autonation (Owner)** - Request to allow a monument sign with a height of 14 feet, 6 inches where 12 feet is allowed, and an area of 108 square feet where a maximum of 50 feet is allowed

The Property is Located at 24773 Mission Boulevard, in a General Commercial Special Design (CG SD-2) Zoning District

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Find that the proposed project is Statutorily Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15270 (a), *Projects Which are Disapproved*; and
2. Deny the variance application subject to the attached findings.

DISCUSSION

Background

The Toyota/Scion Dealership occupies the property, which is located near the intersection of Mission Boulevard and Orchard Avenue, in the City's Auto Row. To the north is a commercial glass business and to the south is the Honda Dealership Service Department. It is located in a Special Design Overlay District (SD2) which requires a Spanish Ranch theme for the design of new buildings.

The dealership has a 15-foot-high freestanding sign, two wall signs and 13 directional signs. The sign ordinance allows auto dealerships one monument or freestanding sign, two wall signs and directional signs which are 6 square feet or less. The freestanding sign exceeds the 12-foot maximum height allowed and it does not conform to the Spanish Ranch theme, however it is a legal non-conforming sign. In addition, ten of the directional signs exceed the 6-square-foot area allowed and no variance has been requested to allow them to remain. The two wall signs are conforming.

Proposal

The applicant proposes replacing the freestanding sign with an 8'-0" wide x 14'-6" high pre-manufactured monument sign with a 108-square-foot face. The monument sign is a sleek contemporary design, composed of a metal cabinet and internally illuminated acrylic letters. Both the Toyota and Scion names and logos will appear on the sign. The applicant claims the sign would enhance the site and reinforce Toyota's identity; however it exceeds the allowable 12-foot maximum height and the 50-square-foot maximum face, and it does not conform to the Spanish Ranch design theme. The applicant contends that City's requirements do not allow for the sign to be seen and does not allow for Toyota to use a trademark that they are trying to establish for all their facilities.



Proposed



Existing

Analysis

A variance requires a determination that 1) the property in question has special conditions or circumstances peculiar to the property that do not apply generally to property in the same district, 2) literal interpretation of this article would cause a hardship or deprive the applicant of rights enjoyed by others in the same district in terms of adequate identification, and 3) approval of the variance would not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone.

Staff believes that there are no special conditions or circumstances peculiar to the property. The recently completed Volkswagen and Honda dealerships' showrooms further south on Mission Boulevard comply with the height and face requirements. Honda's monument sign is 10 feet high and Volkswagen's is 12. Both contained their logos within the 50-square-foot maximum face allowed and incorporated a Spanish influence theme in the sign structures. Further south the new Suzuki and the Thrifty dealerships also meet current requirements

In staff's opinion, denial of the variance would not cause a hardship. In fact, dealerships are allowed more benefits not afforded to other businesses in the General Commercial District. In the case of a 12-foot-high monument sign, they are allowed a 50-square-foot face with no setback, while other businesses are limited to a 36-square-foot face with a 12-foot setback.

Although there are pole and monument signs along auto row that exceed current height and area restrictions, they are legal non-conforming signs. Other dealerships with newer monument signs have complied with these regulations. In staff's opinion, approval of the variance could constitute a grant of a special privilege and set an unfavorable precedent.

When the Sign Regulations were adopted, the maximum height of monument signs was limited to 12 feet, taking into consideration that motorists' line of sight is typically less than 12 feet and that taller signs can be obscured by tree canopies. When tree canopies conceal signs, it is not unusual for businesses to severely prune trees or remove trees to provide for maximum visibility of signs. Magnolia trees are planted approximately 25 feet on center along Mission Boulevard in front of the dealership, and these trees currently have canopies 6 to 8 feet above finish grade. Because they are not mature, their canopies are not wide and will not obscure the proposed monument sign. As they reach maturity, however, they can be expected to be 30 to 40 feet tall and 20 feet wide which may obscure the monument sign.

One of the purposes of the Sign Ordinance is to "*preserve and improve the appearance of the City as a place in which to live and work in accordance with the City Design Guidelines.*" This can be accomplished, in part, by limiting monument signs to no more than 12 feet high. This height provides for adequate visibility by motorists without compromising trees that could otherwise interfere with visibility of the signs.

With respect to the design of the sign, though it is an attractive sign, it does not comply with the requirements of the Special Design District. Other businesses and dealerships have been able to incorporate the Spanish Ranch design theme into their signage. In this case, the sign structure would have to change to reflect the Spanish Ranch theme and the logo utilized for the face of the sign the way both Honda and Volkswagen were able to do in their signage. This would contribute to the image the Special Design District is creating for this area.

ENVIRONMENTAL REVIEW

The proposed project is Statutorily Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15270 (a), *Projects Which are Disapproved.*

PUBLIC NOTICE

On August 18, 2004, an Official Notice was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Mission-Foothills Neighborhood Task Force.

Two phone calls were received from neighbors who objected to the proposal. One complainant indicated that they should comply with the sign regulations and another stated that dealerships are given special privilege not afforded to other businesses in the area. On February 14, 2005, a Notice of Public Hearing for the Planning Commission meeting was mailed.

CONCLUSION

The proposed monument sign is inconsistent with the purposes of the City's Sign Regulations. In staff's opinion, the applicant could design a monument sign that could conform to the height and face constraints of the sign regulations and the Special Overlay District SD-2 Spanish ranch theme that would be visible and directed toward motorist and pedestrian site and would allow for a richer streetscape.

Prepared by:



Carl T. Emura, ASLA
Associate Planner

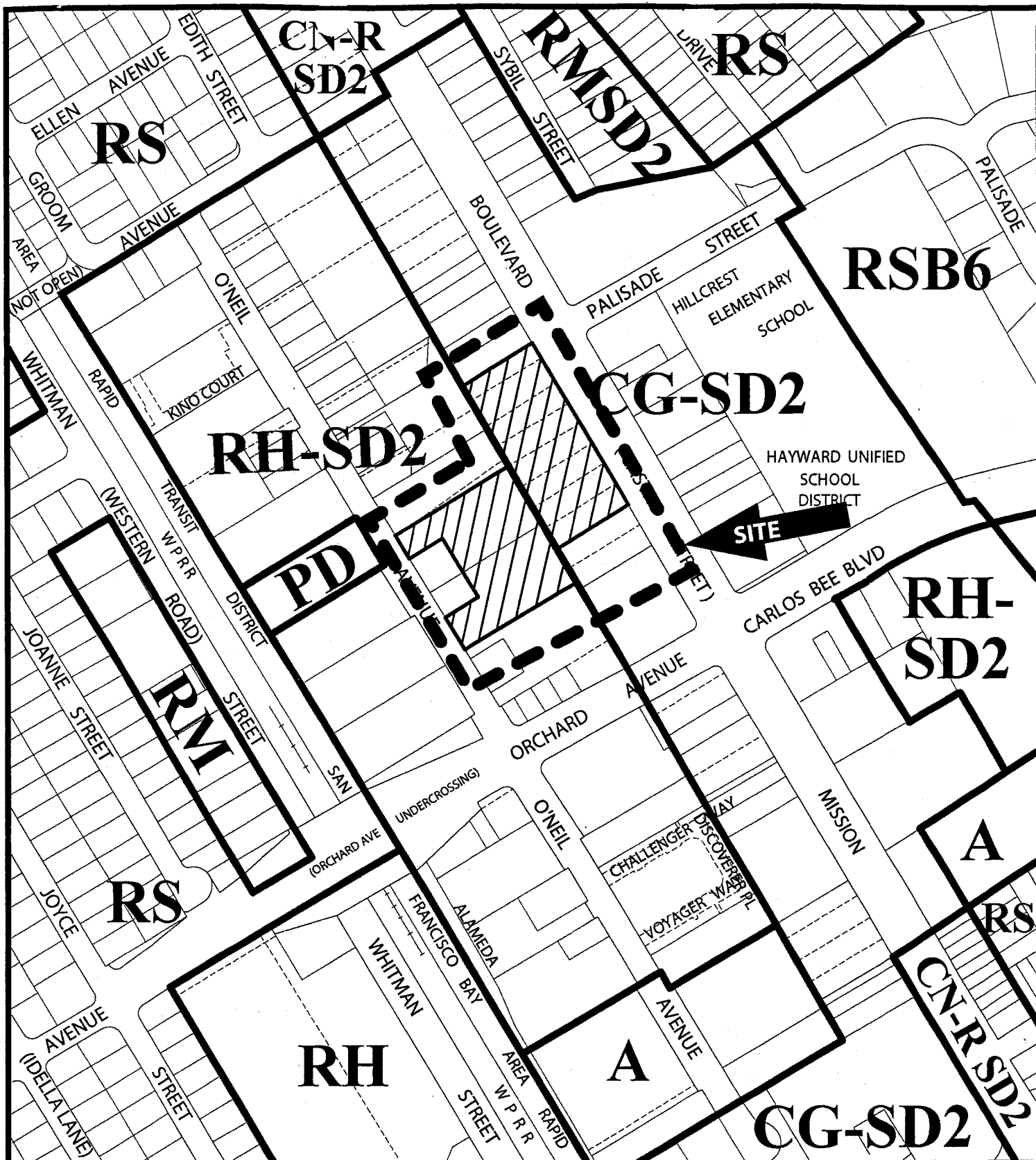
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Findings for Denial
- C. Letter Opposing Sign dated August 21, 2004
Plans



Area & Zoning Map

PL-2004-0392 SPR/PL-2004-0393 VAR

Address: 24773 Mission Boulevard

Applicant: Dori Azzolino

Owner: Autonation

A-Agricultural-ABSA,AB10A,AB100A,AB160A

CG-General Commercial

CN-R-Neighborhood Commercial-residential

PD-Planned Development

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5,RMB 4

RS-Single-Family Residential,RSB4,RSB6

SD-Special Design



**CITY OF HAYWARD
PLANNING DIVISION
SITE PLAN REVIEW/VARIANCE DENIAL**

February 24, 2005

Site Plan Review No. PL-2004-0392/Variance No. PL-2004-0393 – Request for a 14'-6"-Foot-High Monument Sign with a 108- Square-Foot Face Where a Maximum 12-Foot Height and a Maximum 50-Square-Foot Face Are Allowed – Dori Azzolino of A-Active Sign Co. (Applicant)/Autonation (Owner)

The Property is Located at 24773 Mission Boulevard, in a General Commercial Special Design (CG SD-2) Zoning District

Findings for Denial:

- A. Site Plan Review No. PL 2004-0393/Variance No. PL 2004-0393, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is statutorily exempt from CEQA review under Section 15270 (a), Projects Which are Disapproved.
- B. There are no special conditions or circumstances peculiar to the property involved that do not apply generally to property in the same district that warrant the height and face variance. Site conditions encourage a lower sign that would conform to the sign regulations.
- C. Literal interpretation of this article would not cause a hardship or deprive the applicant of rights enjoyed by others in the same district in that other dealerships in the area have been able to comply with the sign regulations and Special Design Districts Spanish Ranch design theme when installing new signage. No similar monument signs have been approved in the same district.
- D. The granting of the variance would grant a special privilege inconsistent with the limitations on other properties in the same district. No precedent has been set where other dealerships have been permitted higher monument signs with greater sign area face and without conforming to the Special Design Districts Spanish Ranch design theme.

RECEIVED

AUG 24 2004

OFFICE OF MAYOR

James Jardine

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8-21-04

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City of Hayward, Planning Division
777 "B" Street
Hayward, Ca. 94541

Mayor Cooper for the City of Hayward
777 "B" Street
Hayward, Ca 94541

Re :Sign Application of Hayward Toyota

References: PL-2004-0392 SPR & PL2004-0393 VAR, Dori Azzolino (Applicant), Autonation (Owner)

Dear Planner and Mayor:

I am registering my opposition to the sign applied for. Hayward Toyota has 18 signs now identifying them as Hayward Toyota. Their windows are completely covered with signs from floor to ceiling. They have red & white flags hanging from light poles, blue and white flags hanging from light poles, balloons tied to cars that get loose and land on my property and roof of my building and clog drains, they stick cardboard signs on sticks at street corners and they become garbage and unsightly, they have "Barkers" parade in front of their premises with signs, they have banners hanging from structures, poles and trees, they place signs on the windshield of their cars for sale. I could go on but my point is why make a grossly bad thing worse?

Further difficulties are encountered by Hayward Toyota having their employees park their cars across the street from them and not in front of their premises. Their reason is to make that parking in front of them available for their customers and thus eliminating parking on my side for my customers. They have a castophic problem with shortage of parking. Their employee parking overflow also clogs O'neil Ave. behind them.

This brings up another issue with the City of Hayward treating the car dealers like sacred cows and other business and property owners in the same neighborhood as second class citizens. This time and again demonstrated each time the City proposes a plan to deal with widening or traffic on Mission Blvd., they make sure the impact of their proposal falls mainly on parties that are not car dealer. Surely this is developed from the concept that the car dealers get favorable treatment because they bring tax income to Hayward. This produces other to be treated as though they are from a lesser God.

*****Correction, I just counted 23 permanent signs identifying "Hayward Toyota" on their premise that can bee seen from the street. This does not include banners, stick signs, car windshield signs, etc.

Please write back that you got this letter of opposition.

Sincerely

James Jardine

ATTACHMENT C